

***[NO MINUTES WERE GENERATED FOR
FRIDAY, MARCH 30, 2007,
IN OBSERVANCE OF CESAR CHAVEZ DAY.]***

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**SUPREME COURT MINUTES
THURSDAY, MARCH 29, 2007
SAN FRANCISCO, CALIFORNIA**

S131879 H026889 Sixth Appellate District **PEOPLE v. LOWE (DANIEL)**

Opinion filed: Judgment reversed.

The judgment of the Court of Appeal is reversed, and the matter is remanded to that court with directions to reverse the trial court's dismissal and to reinstate the charges against defendant.

Opinion by: Kennard, J.

-----joined by: George, C. J., Baxter, Werdegarr, Chin, Moreno, & Corrigan, JJ.

S151304 B197351 Second Appellate District, Div. 2 **COHA (LORETTA) v. S.C.
(WITKIN)**

Stay order filed.

Pending final determination of the petition for review filed herein, enforcement of the Los Angeles County Superior Court's order of March 5, 2007, in case No. BF030700; and all further proceedings in this matter are hereby stayed.

S149844 C050141 Third Appellate District **PEOPLE v. ARNOLD (KEVIN
DANIEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 30, 2007.

S149894 B187311 Second Appellate District, Div. 1 **PEOPLE v. ANDERSON (DARON
GLENN)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 1, 2007.

S150005 B194620 Second Appellate District, Div. 4 **SANCHEZ (JORGE) ON H.C.**
The time for granting or denying review in the above-entitled matter is hereby extended to May 4, 2007.

S150055 A109914 First Appellate District, Div. 2 **PEOPLE v. SAETERN (LEW C.)**
The time for granting or denying review in the above-entitled matter is hereby extended to May 8, 2007.

S150125 H030392 Sixth Appellate District **PLASCENCIA (JAIME) ON H. C.**
The time for granting or denying review in the above-entitled matter is hereby extended to May 10, 2007.

S142892 D045438 Fourth Appellate District, Div. 1 **NORTH COAST WOMEN'S
CARE MEDICAL GROUP v. S.C.
(BENITEZ)**

Application to appear as counsel pro hac vice granted.

The application of Sondra Goldshein of New York, New York, to appear as counsel pro hac vice on behalf of Reproductive Freedom Project, and Amicus Curiae American Civil Liberties Union is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S142892 D045438 Fourth Appellate District, Div. 1 **NORTH COAST WOMEN'S
CARE MEDICAL GROUP v. S.C.
(BENITEZ)**

The application of Mailee R. Smith, Esq., of Americans United for Life, Chicago, Illinois, for admission to appear as counsel pro hac vice on behalf of Amici Curiae Christian Medical & Dental Associations, American Association of Pro Life Obstetricians and Gynecologists, and Physicians for Life is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S132972 C044653 Third Appellate District **VINEYARD AREA CITIZENS
FOR RESPONSIBLE GROWTH
v. CITY OF RANCHO CORDOVA**

Order filed.

The application for permission to file respondents and real parties in interest's reply to answer to rehearing is hereby denied.

S138823**UPHOLT ON DISCIPLINE**

Probation revoked.

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and THOMAS LEIGH UPHOLT, State Bar No. 67868, must be actually suspended from the practice of law for one year. Credit toward the period of actual suspension will be given for the period of involuntary inactive enrollment which commenced on December 7, 2006 (Business and Professions Code section 6007(d)(3)). Thomas Leigh Upholt is ordered to comply with rule 9.20 (rule 955 was renumbered to 9.20 effective January 1, 2007) of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code § 6126, subd. (c).)

S149790**BRAMLETT ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that JOHN H. BRAMLETT, State Bar No. 171763, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 45 days, as recommended by the Hearing Department of the State Bar Court in its decision filed on October 31, 2006, and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 (renumbered to rule 9.20, effective January 1, 2007) of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S149810**ALVAREZ ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that MARIA F. ALVAREZ, State Bar No. 128136, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 27, 2006. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the next two billing cycles following the effective date of this order. It is further ordered that if Maria F. Alvarez fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S149812**DAVIS ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that TODD C. DAVIS, State Bar No.186531, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 30 days and until he makes restitution to Michael Heacock in the amount of \$2,500 plus 10 percent interest per annum from October 14, 2005 (or to the Client Security Fund to the extent of any payment from the fund to Michael Heacock, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation in Los Angeles, as recommended by the Hearing Department of the State Bar Court in its decision filed on November 13, 2006, and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court (renumbered to rule 9.20, effective January 1 2007), and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code

section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S149813**ROSE ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that RUTH CECILIA ROSE, State Bar No. 145887, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 28, 2006. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S149814**SKOUSEN ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that ROBERT JAMES SKOUSEN, State Bar No. 135104, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 120 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 2, 2006, as modified by its order filed November 30, 2006. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court (renumbered to 9.20 effective January 1, 2007), and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the next two billing cycles. It is further ordered that if Robert James Skousen fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S149815**GUGLIELMINO ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that MICHAEL JOHN GUGLIELMINO, State Bar No. 104484, be suspended from the practice of law for two years and until he makes restitution to Virginia Fuller in the amount of \$2,000 plus 10 percent interest per annum from February 16, 2006, (or to the Client Security Fund to the extent of any payment from the fund to Virginia Fuller, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation, that execution of the suspension be stayed, and that he be placed on probation for four years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 27, 2006, as modified by its order filed November 29, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2008, 2009, and 2010. It is further ordered that if Michael John Guglielmino fails to pay any installment within the time provided herein, or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S149845**HAHN ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that WOLFGANG FRANZ HAHN, State Bar No. 61385, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on November 30, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S149861**NUSBAUM ON DISCIPLINE**

Recommended discipline imposed: disbarred.

It is hereby ordered that ROBERT MICHAEL NUSBAUM, State Bar No. 149672 be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court (renumbered to rule 9.20 effective January 1, 2007) and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in

accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S149864**TAKASUGI ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that RUSSELL H. TAKASUGI, State Bar No. 118792, be suspended from the practice of law for two years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed November 30, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-half of said costs be paid with membership fees for the years 2008 and 2009. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S150749**BROWN ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of VICTOR E. BROWN, State Bar No. 135867, as a member of the State Bar of California is accepted.

S150750**BURESH ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of CHARLES JOHN BURESH, State Bar No. 56650, as a member of the State Bar of California is accepted.

S150751**CARMELLO ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of HEATHER E. CARMELLO, State Bar No. 203339, as a member of the State Bar of California is accepted.

S150752**CLASPER ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of STEPHEN REID CLASPER, State Bar No. 52283, as a member of the State Bar of California is accepted.

S150753**CONTE ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of ROBERT A. CONTE, State Bar No. 162109, as a member of the State Bar of California is accepted.

S150754**DENNEHY ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of RODERICK C. DENNEHY, JR., State Bar No. 123667, as a member of the State Bar of California is accepted.

S150755**FITZGERALD ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of THOMAS JOSEPH FITZGERALD, State Bar No. 79677, as a member of the State Bar of California is accepted.

S150756**FLETCHER ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of GARY VINCENT FLETCHER, State Bar No. 92608, as a member of the State Bar of California is accepted.

S150759**FLYNN ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of BRIAN DUNLEY FLYNN, State Bar No. 37460, as a member of the State Bar of California is accepted.

S150760**FITZGERALD ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of JOHN CHARLES FITZGERALD, State Bar No. 225139, as a member of the State Bar of California is accepted.

S150761**GRAY ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of PAMELA CARROLL GRAY, State Bar No. 71029, as a member of the State Bar of California is accepted.

S150762**HALL ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of MATTHEW WARREN HALL, State Bar No. 55165, as a member of the State Bar of California is accepted.

S150764**HOLDYCH ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of THOMAS JAMES HOLDYCH, State Bar No. 48021, as a member of the State Bar of California is accepted.

S150766**HUYNH ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of NATHALIE HUYNH, State Bar No. 175416, as a member of the State Bar of California is accepted.

S150767**KILLION ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of RAYMOND FRANCIS KILLION, JR., State Bar No. 44535, as a member of the State Bar of California is accepted.

S151083**MCCANN ON RESIGNATION**

Resignation accepted with disc. proceeding pending.*

The voluntary resignation of WILLIAM DENIS MCCANN, State Bar No. 51902, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S151084**WALKER ON RESIGNATION**

Resignation accepted with disc. proceeding pending.*

The voluntary resignation of CONRAD GEORGE WALKER, State Bar No. 34855, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S151189**LAUGHLIN ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of JEAN LAUGHLIN, State Bar No. 146325, as a member of the State Bar of California is accepted.

S151190**LILLIE ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of LARRY GENE LILLIE, State Bar No. 44279, as a member of the State Bar of California is accepted.

S151191**MADDEN ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of NORINE GENE MADDEN, State Bar No. 58765, as a member of the State Bar of California is accepted.

S151192**MURPHY ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of JAMES J. MURPHY, State Bar No. 144232, as a member of the State Bar of California is accepted.

S151193**HUNT ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of THOMAS MERWIN HUNT, State Bar No. 23013, as a member of the State Bar of California is accepted.

S151194

BOOTS ON RESIGNATION

Voluntary resignation accepted.

The voluntary resignation of CLYDENE S. BOOTS, State Bar No. 145587, as a member of the State Bar of California is accepted.

S151196

DANIEL ON RESIGNATION

Voluntary resignation accepted.

The voluntary resignation of ALICE DANIEL, State Bar No. 47650, as a member of the State Bar of California is accepted.

S151197

GRANDE ON RESIGNATION

Voluntary resignation accepted.

The voluntary resignation of FRANK ARTHUR GRANDE, State Bar No. 37478, as a member of the State Bar of California is accepted.

S151200

MASON ON RESIGNATION

Voluntary resignation accepted.

The voluntary resignation of BARBARA E. MASON, State Bar 141004, as a member of the State Bar of California is accepted.

S151201

ALBEN ON RESIGNATION

Voluntary resignation accepted.

The voluntary resignation of ELLEN BRADY ALBEN, State Bar 126582, as a member of the State Bar of California is accepted.

